**THE HON'BLE SMT. JUSTICE T. MEENA KUMARI**
**AND**
**THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No.22440 of 2007**

**Date : 1.11.2007**

**Between:**
**The Deputy Director,**
**Social Welfare, Kadapa and others.**

**.....**

**PETITIONERS**
**AND**

**B. Seva Naik**

**.....RESPONDENT**

**THE HON'BLE SMT. JUSTICE T. MEENA KUMARI**
**AND**
**THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No.22440 of 2007**

ORDER: (per Smt. T.Meena Kumari,J)

The department filed the present writ petition seeking a writ of Certiorari to call for the records relating to the order dated 3.8.2007 made in O.A. No. 256 of 2001, on the file of the A.P. Administrative Tribunal, Hyderabad, and to quash the same.

The brief facts of the case are that the respondent herein was working as Junior Assistant-cum-Typist. While so, he was suspended from service in the year 1996 on certain imputations of mis-conduct. A charge memo was also issued to the respondent on 28.2.1997 framing as many as 12 charges and criminal proceedings were also initiated against him. The respondent submitted his explanation to the charge memo and thereafter an enquiry officer was appointed to conduct enquiry into the matter. The enquiry officer submitted his report holding the charges levelled against the respondent as proved. The disciplinary authority after issuing show cause notice to the respondent and after considering his explanation, imposed the punishment of removal from service. Questioning the order of dismissal passed by the disciplinary authority, respondent preferred O.A. No. 256 of 2001 before the Tribunal. Further, when the criminal proceedings, which were initiated against the respondent ended in acquittal, respondent also filed O.A. No. 4255 of 2005 before the Tribunal seeking a direction to the department to reinstate him into service. The Tribunal, by the common order impugned in this writ petition, while setting aside the order of dismissal, remanded the matter to the disciplinary authority to pass appropriate orders after examining the

case with respect to Charge No.11. Aggrieved by the said order, the department filed the present writ petition.

Learned Government Pleader for Services-II has vehemently contended that this is a case where the respondent has manipulated the letters of appointment as well as the educational qualification certificates at every stage. Further, the respondent has forged the signature of the Collector in certain letters and it is highly impossible for any other third person to manipulate the same. He, therefore, submits that the Tribunal erred in setting aside the order of dismissal and prayed that the impugned order be set aside.

Learned counsel for the respondent, on the other hand, submitted that since in the departmental enquiry, except charge No.11, all other charges have not been proved and since the criminal proceedings initiated against the respondent have ended in acquittal , a direction be issued to the department to reinstate him into service.

We had an occasion to go through the impugned order passed by the Tribunal.

In view of the fact that except charge No.11, all other charges levelled against the respondent have not been proved and in view of the fact that the criminal proceedings initiated against him have also ended in acquittal and taking into consideration the fact that respondent is a physically handicapped person and had put in more than 22 years of service as Junior Assistant, we deem it proper to modify order of the Tribunal to the extent that the respondent shall be reinstated into service as Record Assistant afresh.

Accordingly, we modify the order of the Tribunal impugned in the writ petition, with a direction to the department to reinstate the respondent into service as Record Assistant afresh in the minimum time scale of pay. We also make it clear that the respondent is not entitled to any arrears of pay. However, keeping in view the length of service put in by the respondent, the service rendered by him shall be taken into consideration for the purpose of fixation of pension.

With the above modification, the writ petition is disposed of. No

costs.

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T. MEENA KUMARI,J

DATE: 1st November, 2007

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G. CHANDRAIAH,J

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